

K. Great Brit. Geo II.
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P3

England. - Parliament. [Bills - II George II.]



Read 28 Feb. 1753

Enacted 26 Geo II. Public Act, c. 64.

A BILL for Repairing, and Widening,
the Road from the Town of Tadcaster,
through Collingham, Harewood, Arthing-
ton, and Pool, to the Town of Otley, in
the West-Riding of the County of York.



Whereas the Highways or Roads leading from the Town of Tad-
caster, through Collingham, Harewood, and Arthington, to Otley,
in the West-Riding of the County of York, being situate in a very
populous Part of the said Riding, and being the common High-
way between the City of York and Town of Lancaster, are become
so ruinous and bad, that, in the Winter-Seasons, it is impossible
for Waggon, Wain, or other Wheel-Carriages, to pass along
the same, and very dangerous for Travellers; which Roads cannot effectually be
repaired and amended by the Laws now in being for repairing the Highways of
this Kingdom:

Therefore, and to the Intent that the said Roads may, with all convenient
Speed, be sufficiently repaired, widened, amended, and hereafter kept in good Re-
pair, so that all Persons may travel through the same with Safety;

May it please Your MAJESTY,

That it may be Enacted: And be it Enacted, by the KING's most Excellent
MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Parliament assembled, and by the Authority
of the same, That

A

Trustees Names.

THE TRUSTEES OF THE
SCHOOL OF THE
CITY OF NEW YORK
AND THE DISTRICT OF COLUMBIA

WILLIAM R. HARRIS
JAMES H. HARRIS
JOHN H. HARRIS

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shall be, and they are hereby nominated and appointed, Trustees for the survey-^{Trustees may}
 ing, ordering, widening, amending, and keeping in Repair, the said Roads leading ^{erect Toll-houses.}
 from *Tadcaster*, through *Collingham*, *Harewood*, and *Arthington*, to *Otley* aforesaid ;
 and also for putting in Execution all other the Powers in and by this Act given :
 And the said Trustees, or their Successors, or any or more of them, or
 such Person or Persons as they, or any or more of them, shall authorize
 and appoint, shall and may, and they are hereby authorized and empowered to
 erect and set up, or cause to be erected and set up, One or more Gate or Gates,
 Turnpike or Turnpikes, Toll-house or Toll-houses, in, upon, cross, or on the
 side of, any Part of the said Roads lying between the Town of *Tadcaster* and
Otley aforesaid, directed and appointed to be repaired and amended by this Act,
 and in such convenient Places as to the said Trustees, for the Time being, or any
 or more of them, shall seem requisite and expedient ; and shall and may
 demand and take, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach,
 Chariot, Landau, Berlin, Chaise, Hearse, Calash, Chair, Waggon, Wain, Cart,
 or other Carriage, shall be permitted to pass through the said Toll-gates or Turn-
 pikes respectively, the several Tolls and Duties following ; that isto say, For

Tolls vested in
Trustees.

Power of collect-
ing Tolls.

And be it further Enacted, by the Authority aforesaid, That the several Sum and Sums of Money hereby granted, and made payable, shall and may be demanded and taken in the Name of and as a Toll or Duty; and the Monies so to be raised, as aforesaid, shall be, and are hereby, vested in the said Trustees, and their Successors; and the same, and every Part thereof, shall be applied, disposed of, and employed, to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein after-mentioned, ordered, provided and directed: And that it shall and may be lawful to and for the said Trustees, or any or more of them, or any such Person or Persons as they, or any or more of them, under their Hands and Seals, shall, from time to time, nominate and appoint, to demand and take the Tolls and Duties hereby granted, and made payable, and to the same upon any Person or Persons, who shall (after Demand thereof made) neglect or refuse to pay such Tolls and Duties, as aforesaid by upon which such Tolls and Duties are by this Act imposed, or by of such Person or Persons who ought to pay until such Tolls or Duties, with the reasonable Charges of shall be paid: And it shall and may be lawful to and for the Person or Persons so after the Space of after such made and taken (such Toll or Duty, with the reasonable Charges of such not being then paid) to sell the Goods so and retained, returning the Overplus (if any be), upon Demand, to the Owner thereof, after such Tolls, Duties, and reasonable Charges for the same, shall be deducted and paid.

Turnpikes and
Toll-houses
vested in Trustees.

And be it further Enacted, by the Authority aforesaid, That the Right and Property of all and every the Turnpikes and Toll-houses erected and built, or to be erected and built, by virtue of this Act, shall be vested in the Trustees appointed, or to be appointed, for putting this Act in Execution: And that they, or any or more of them, are hereby impowered and authorized to dispose thereof in such manner as they shall think proper; and to bring Actions, or to prefer Bills of Indictment, in their Names, or in the Names of any or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, against any Person or Persons who shall steal, take away, spoil or damage, such Turnpike or Toll-houses, or any of them, so erected and built as aforesaid, or any Part thereof.

Provided always, and be it further Enacted and Declared, by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any or more of them, to separate, divide, and apportion, the Tolls and Duties hereby granted, and made payable, into so many Shares or Proportions as to the said Trustees, or any or more of them, shall seem meet and expedient; and such Parts of the said Tolls and Duties shall be taken and received at such and so many of the said Turnpikes or Toll-houses, as by the said Trustees, or any or more of them, shall be ordered and appointed for that Purpose, and not otherwise.

Power to divide the Tolls.

And be it further Enacted, by the Authority aforesaid, That, from and after the Passing of this present Act, the Money arising by the Tolls and Duties hereby granted, and made payable, or that shall be borrowed on the Credit thereof, shall, by the said Trustees herein nominated and appointed, and their Successors, or any or more of them, be applied and disposed of, in the First place, for the paying and discharging the Charges and Expences attending the Obtaining and Passing of this Act, and of erecting such Turnpike or Turnpikes, Toll-house or Toll-houses, as the said Trustees shall think proper; and that afterwards, and subject thereto, the Money arising by the Tolls and Duties, which shall be collected upon the said Road hereby directed to be repaired, shall be issued, paid, and applied, for the amending, repairing, widening, and keeping in Repair, the same, in such manner as the said Trustees above-mentioned, or their Successors, or any or more of them, shall direct.

Application of the Tolls.

And be it further Enacted, by the Authority aforesaid, That if any Person or Persons whatsoever, owning, renting, or occupying any Lands near to any Turnpike to be erected in pursuance of this Act, shall, knowingly or wittingly, permit or suffer any Person or Persons to pass through any Gate, Passage, Inclosure, or Way, with any Coach, Chariot, Landau, Berlin, Calash, Chaise, Chair, Hearse, Litter, Waggon, Wain, Cart, Carriage, or riding, leading, or driving any Horse, Ass, Mule, or any sort of Cattle, whereby the Payment of any of the Tolls or Duties, by this Act laid, shall or may be avoided, every Person or Persons so permitting, and every Person or Persons riding in or on, leading, driving, or owning, such Coach, Chariot, Landau, Berlin, Chaise, Calash, Waggon, Wain, Cart, Carriage, or Cattle, or owning, riding, leading, or driving, such Horse, Mule, or Ass, and being thereof convicted, upon Oath or Affirmation, before the said Trustees, or any or more of them, who are hereby empowered to administer such Oath or Affirmation, or before any One or more Justice or Justices of the Peace, for the Riding, Division, Liberty, Borough, Town Corporate, or Place where such Offence shall be committed (which Oath or Affirmation the said Justice or Justices is and are hereby also empowered to administer), shall, for every such Offence respectively, forfeit and pay to the Trustees authorized to put this Act in Execution, or their Treasurer or Treasurers for the Time being, the Sum of which Sum, in case the same be not forthwith paid, shall be levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or Hands and Seals, of the Trustees, or any or more of them, or of such Justice or Justices, rendering the Overplus to the Owner (if any be), on Demand, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Trustees, or any or more of them, or by the said Justice or Justices.

Penalty on Persons permitting private Passage.

Not to injure the
Right of other
Tolls.

Provided always, and it is hereby Enacted and Declared, That no-
thing herein contained shall prejudice, defeat, or interrupt, the Right or Claim
of any Person or Persons, Bodies Politick or Corporate, to any such Tolls or Du-
ties as have, by long Usage, or any other Right, been paid, and lawfully taken,
upon any Part of the said Roads.

To prevent un-
loading of Goods,
and taking off
Horses, to avoid
paying Tolls.

And be it further Enacted, by the Authority aforesaid, That if any Person
or Persons shall, at any time during the Continuance of this Act, unload, or cause
to be unladen, any sort of Goods or Merchandize, or take off, or cause to be
taken off, any Horse or Horses, or Beast or Beasts of Draught, from any Coach,
Chariot, Berlin, Landau, Chaise, Hearse, or Litter, or any Horse or Horses,
Ox or Oxen, or other Beast or Beasts of Draught, from any Waggon, Wain,
Cart, or other Carriage, at or before the same shall come to any of the Gates or
Turnpikes erected by virtue of this Act, with an Intent to avoid paying any of
the Tolls or Duties hereby imposed, or shall conceal or secrete any Goods or
other Things chargeable with any of the Tolls aforesaid, or shall put or leave in
any House or Place any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair,
Hearse, Litter, Waggon, Wain, Cart, or any other Carriage, Horse, Gelding,
Mare, or any other Cattle, chargeable with, or liable to pay, the said Tolls or
Duties, with such Intent, as aforesaid, each and every Person so offending, and
being thereof convicted, upon Oath, before the Trustees, or any
more of them, or before One or more Justice or Justices of the Peace for the
Riding, Division, Borough, Town Corporate, or Place, where such Offence shall
be committed (which Oath the said Trustees, or any or more of them, or the
said Justice or Justices is and are hereby impowered and requird to administer), shall
forfeit and pay to the Trustees appointed, or to be appointed, to put this Act in
Execution, or to their Treasurer for the Time being, the Sum of which
shall be recovered and levied, as any other Penalties or Forfeitures are to be re-
covered and levied by virtue of this Act.

Trustees may
erect Side-gates.

And be it further Enacted, by the Authority aforesaid, That it shall and
may be lawful to and for the said Trustees, or any or more of them, or
such Person or Persons as they, or any or more of them, respectively, shall
appoint or direct, as aforesaid, to erect, or cause to be erected, One or more Gate
or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Roads, or
cross any Lane or Way leading out of the same, to prevent Frauds and Abuses
in eluding the Payment of the said Tolls, or any of them, hereby imposed, and
made payable, as aforesaid; and there to take and receive such Toll or Tolls, as
is or are by virtue of this Act to be taken at any of the Turnpikes to be erected
in pursuance thereof, so as the same do not extend to a double Charge, within
the true Meaning of this Act.

Not to pay for
crossing the Road
only.

Provided always, That no Toll or Duty shall be taken at any Toll-gate or
Turnpike, to be erected by virtue of this Act, on the Side of any Part of the
said Road hereby directed to be repaired, for any Horse, Cattle, Coach, Berlin,
Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Car-
riage, which shall cross the said Roads only.

To pay but once
a Day.

Provided always, That in case there shall be more than One Gate
or Turnpike set up or erected upon, cross, or on the Side of the Road
hereby directed to be repaired and amended, between the Town of Tadcaster and

and *Olley* aforesaid, no Person or Persons, having paid the whole Toll or Duty granted, and made payable, by this Act, at the First Gate or Turnpike through which such Person or Persons shall pass, and producing a Note or Ticket that the said Toll or Duty was paid (which Note or Ticket the Receiver or Receivers, Collector or Collectors, of the Tolls and Duties imposed by this Act, is and are hereby required to give *gratis*), shall be liable to pay any Toll or Duty at any other Gate or Gates, Turnpike or Turnpikes, erected in any other Part of the same Roads, so as such Person or Persons deliver the said Note or Ticket to the Receiver or Receivers, Collector or Collectors, of the said Toll or Duty, at the said Gate or Turnpike erected on the same Road, before Twelve a Clock in the Night of that Day; and also that no Person or Persons, having passed through any of the said Toll-gates or Turnpikes with any Waggon, Wain, Cart, Carriage, Horse, Mare, Gelding, Mule, Ass, or other Cattle, or with any Coach, Landau, Berlin, Chariot, Calash, Hearse, Chaise, or Chair, and having paid the Tolls or Duties appointed by this Act to be taken, who shall return and pass through the same Turnpike, at which such Tolls and Duties were so paid, on the same Day, before Twelve a Clock at Night, upon or with the same Coach, Landau, Berlin, Calash, Chaise, Chair, Hearse, Waggon, Wain, Cart, or other Carriage, Horse, Mule, or any other Cattle, shall be liable or compellable, on the same Day, to pay the said Toll or Duty more than once, at the same Gates or Turnpikes.

And, for preventing Frauds and Abuses in the said Tolls or Duties, Be it Enacted, by the Authority aforesaid, That if any Person or Persons, having paid the Toll or Duty by this Act granted, and made payable, and having such Note or Ticket, Notes or Tickets, signifying, denoting, or imploying, the Payment of such Toll or Duty, shall give, offer, or dispose of the same to any other Person or Persons, in order to avoid the Payment of the said Toll or Duty, every such Person giving, disposing of, or offering, and the Person receiving, such Note or Ticket, Notes or Tickets, being thereof convicted, upon Oath, before the said Trustees, or any or more of them, or before any One or more Justice or Justices of the Peace for the Riding, Division, Liberty, Borough, Town Corporate, or Place, where such Offence or Offences shall be committed (which Oath the said Trustees, or any or more of them, or the said Justice or Justices, and are hereby impowered and required to administer), shall respectively forfeit and pay the Sum of to be levied, recovered, and disposed of, any other Penalty or Forfeiture is hereby directed to be levied, recovered, and disposed of.

Provided always, and it is hereby further Enacted and Declared, That, during the Continuance of this Act, all Persons travelling in Coaches, Berlins, Landaus, Chariots, Chaises, Calashes, Chairs, or Litters, and Passengers on Horseback, shall pass and repass Toll-free on the Day or Days on which there shall be an Election or Elections of a Knight or Knights of the Shire to serve in Parliament for the said County of York, or on the Day before, and the Day after, such Election or Elections shall respectively begin; such Persons going to, or returning from, such Election or Elections, and having voted, or having a Right to vote, at such Election or Elections; any thing herein contained to the contrary notwithstanding.

Provided always, and it is hereby Declared, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, for passing through any of the Turnpikes to be erected by this Act, and carrying any Quantity of Stones,

To prevent
Frauds by dis-
posing of Tic-
kets.

Election-days to
be Toll-free for
all Electors.

Who and what
exempted from
Payment of
Tolls.

Stones, Brick, Lime, Timber, Wood, Gravel, or other Materials for repairing the said Road, or for mending any of the Highways in the Parishes, Townships, or Hamlets, in which the said Roads directed by this Act to be repaired, or any Part thereof, do respectively lie; or going for, or returning through any of the said Turnpikes with, any Dung, Mould, Manure, or Compost, of any Nature or Kind whatsoever, to be employed in Husbandry, for Manuring or Improving of Lands; nor shall any Toll or Duty be demanded or taken, by virtue of this Act, for any Carts, Wains, Waggon, or other Carriages, or Horses, or other Cattle, carrying any Hay, or Corn in the Straw only; or for any Ploughs, Harrows, or Implements of Husbandry; or for any Materials used or employed for the Building or Repairing of Houses or Outhouses, Mills, or Mill-Dams, in the said several Parishes, Townships, or Hamlets; or for any Cloth going to, or returning from, the Fulling-mills; or Corn, Grist, or Meal, going to, or returning from, the Corn-mills; or any Horse, or other Cattle or Carriages, going unladen, or returning unladen, having carried Cloth, Corn, or Grist, to the said Fulling-mill or Corn-mills; nor shall any Toll or Duty be demanded or taken from any Person or Persons residing in any of the said Parishes, Townships, or Hamlets, in which the said Road hereby directed to be repaired do lie, who shall pass through any of the said Turnpikes or Cross-gates to or from Church, Chapel, or other Place of religious Worship, on *Sundays*, or who shall attend the Funeral of any Person or Persons who shall die, or be buried, in any of the said Parishes; or for any Horses, Geldings, Mares, or Cattle, going to, or returning from, Pasture or Water; or for any Chaise, or other Carriage, or Post-horse carrying the Mail or Packet, or returning, after carrying the same; nor shall any Toll or Duty be demanded or taken for the Horses of Soldiers passing, who are upon their March, or for Carts, Carriages, or Waggon, attending them, or laden with their Arms or Baggage, or for Horses, Carts, or Carriages, travelling with Vagrants sent by Passes, or returning, after having been so employed.

Trustees may appoint Officers, Collectors, &c.

And be it further Enacted, by the Authority aforesaid, That the said Trustees, or any one or more of them, at their First or any succeeding Meeting, by any Writing under their Hands and Seals, shall and may elect, nominate, and appoint, One or more fit Person or Persons to be their Clerk or Clerks, and One or more fit Person or Persons to be their Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of such Money, in the Name of such Toll or Duty as shall be due and payable by virtue of this Act; and also One or more fit Person or Persons to be Surveyor or Surveyors, to view the Condition of the said Roads, and to see that the same be repaired and amended, and that the Money by this Act raised and expended be duly applied; and also shall and may from time to time, remove such Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, Receivers and Surveyors, or any of them, as the said Trustees, or any one or more of them, shall see Occasion; and shall and may appoint new ones, in case of Death, or such Removals: And such Person or Persons as is or are by this Act liable to pay the said Tolls or Duties, is and are hereby required to pay the same, after the Rates aforesaid, to such Receiver or Receivers, Collector or Collectors, as shall, from time to time, be appointed for that Purpose: And the Person or Persons so appointed to collect and receive the said Tolls and Duties, and also such Surveyor and Surveyors, so appointed, as aforesaid shall upon Oath, if thereunto required by the said Trustees, or any one or more of them, before the said respective Trustees, or any one or more of them, before any One or more Justice or Justices of the Peace for the Riding, Division, or Liberty

Liberty, Town Corporate, Borough, or Place, within their several Jurifdictions which Oath such Trustees, or any or more of them, or such Justice or Justices of the Peace, is and are hereby impowered to administer); for which Oath no Fee or Reward shall be taken, and the same may be taken without any Stamp thereupon; and also shall, on the First in every Month, or oftener, if required, during the Continuance of this Act, give in a true, exact, and perfect Account, in Writing, under their respective Hands, of all the Monies which he and they, and every or any of them respectively, shall, to such time, have received, paid, and disbursed, by virtue of this Act, by reason of theia respective Offices: And in case any Money so received shall remain in their, or any of their Hands, the same shall be paid to the said Trustees, or any or more of them, or to such Person or Persons as the same Trustees, or any or more of them, shall, by any Writing or Writings under their Hands and Seals, authorize and impower to receive the same, or to the Treasurer or Treasurers for the Time being; and shall be disbursed and laid out in amending the said Highways and Roads, according to the true Intent and Meaning of this Act, and not otherwise: And in case the said Receiver or Receivers, Collector or Collectors, of the aforesaid Tolls or Duties, Surveyor or Surveyors, or any of them, shall not make such Account and Payment unto such Person or Persons, according to the Orders and Directions of the said Trustees respectively, or any or more of them, as aforesaid; that then the said Justices of the Peace, at any Special or other Sessions to be held for the Division, Liberty, Town Corporate, Borough, or Place, within their respective Jurifdictions, shall make Inquiry of and concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of one or more credible Witness or Witnesses, upon Oath (which Oath they are hereby impowered and required to administer, without Fee or Reward): And if any such Person or Persons shall be thereof convicted by such Justices, the said Justices shall, upon such Conviction

until he or they have made a true and perfect Account and Payment, as aforesaid, or shall have compounded and agreed with such Trustees, and paid such Composition to the said Treasurer or Treasurers for the Time being; which Composition the said Trustees, or any or more of them, at any Meeting, are hereby authorized and impowered to make: And the said Trustees respectively, or any or more of them, shall and may, out of the Money arising by the said Tolls or Duties, make such Allowance to the said Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, Clerk or Clerks, and other Officers, so appointed, as aforesaid, for and in Consideration of his and their Care and Pains respectively taken in the Execution of his and their said respective Office or Offices, and to such other Person or Persons as have been, or shall be, assisting in and about procuring the said Highways or Roads to be amended and repaired, by advancing or laying out any Monies, or otherwise, relating thereunto, as to them shall seem good.

Trustees to allow
Officers Salaries.

Provided always, and be it Enacted, by the Authority aforesaid, That the Treasurer or Treasurers, Receiver or Receivers, to be appointed as aforesaid, shall, before he or they enter upon the said Office, give such Security for the due Execution thereof to the said Trustees, or any or more of them, as to the said Trustees, or any or more of them, shall seem meet; which Security the said Trustees, or any or more of them, are required to take; and such

Treasurers or
Receivers to give
Security.

Security shall be lodged with the Clerk of the Peace for the West-Riding of the County of *Tork*.

Surveyors may
dig for Gravel.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any River or Brook, Waste or Common, of any Parish, Town, Village, or Hamlet, in the said County of *Tork* (except Stones from Quarries open, and in Working), proper and convenient for repairing and amending the said Road, without paying any thing for the same; but making such Satisfaction and Allowance to the Person or Persons, through whose Land or private Ways such Materials shall be led and carried, for the Damage done and occasioned thereby to the said Lands and private Ways, filling up and levelling, or fencing about, the Holes and Pits made by getting such Gravel, Stones, or other Materials, as the said Trustees, or any or more of them, shall judge and deem fit and reasonable: And where there are not sufficient Materials in such Brooks, Rivers, Wastes, and Commons, as aforesaid, it shall and may be lawful to and for such Surveyor or Surveyors, by Order of the said Trustees, or any or more of them, to dig and gather the same out of the several Grounds of any Person or Persons (not being the Ground whereon any Houses or Buildings stand, or a Garden or Orchard, Yard, Park, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of inclosed Ground, planted, set apart, and used as a Plantation or Nursery for Trees), where such Materials are, or may be found; and, from time to time, to carry away such or so much thereof, as the said Surveyor or Surveyors, in their respective Places, shall judge necessary for repairing and amending the Road aforesaid; paying such Rates for the Damage done to the Owners or Occupiers of the Grounds where, and from whence, the same shall be digged, gathered, or carried away, or through or over which the same shall be carried, as the said Trustees appointed, or to be appointed, to put this Act in Execution, or any or more of them, shall judge reasonable: And in case of any Difference between such Owner or Occupier and the said Trustees respectively, touching the Damages aforesaid, the Justices of the Peace, at their General Quarter-Sessions to be holden in and for the said Riding, Division, Liberty, Town Corporate, or Borough, within their respective Jurisdiction, shall and may adjudge, assess, and finally determine, the same.

Surveyors may
remove Annoy-
ances.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors, and such Person or Persons as he or they shall respectively appoint, from time to time, to remove and prevent all Annoyances on any Part of the said Highways or Roads hereby intended to be repaired, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourse, Sinks, or Drains, running into the said Highways, to the Prejudice thereof; and to open, scour, and cleanse, widen, or make deeper, any Watercourse or Ditch adjoining to the said Roads; and to cut down, lop, or top, any Trees, Shrubs, or Bushes (Timber-trees excepted), growing in the said Highways, or in the Hedges or Banks adjoining thereto; and to take and carry away the same, in case the Owners and Occupiers shall neglect to cut down and carry away such Trees (except as before excepted), Shrubs, and Bushes, as aforesaid, or to remove such other Annoyances, for the Space of next after Notice in Writing given for that Purpose, under the Hands of the said Trustees,

or more of them, respectively; the Charges whereof, to be settled by the said Trustees, or any or more of them, shall be reimbursed to the said Surveyor or Surveyors, by such Owner or Occupier neglecting to cut down such Trees, Shrubs, or Bushes, or by the Person or Persons occasioning, neglecting, or refusing, to remove such other Annoyances, as aforesaid: And in case such Owners or Occupiers, or such other Person or Persons, shall not, upon Demand, pay and reimburse to the said Surveyor or Surveyors such Charges, as aforesaid, it shall and may be lawful to and for such Surveyor or Surveyors as aforesaid, by Warrant or Warrants under the Hand or Hands, and Seal or Seals, of One or more Justice or Justices of the Peace for the Riding, Division, Liberty, Town Corporate, Borough, or Place, where such Owners or Occupiers shall reside, to levy the said Charge by of the Person so offending, as aforesaid; returning the Overplus (if any be), after deducting the reasonable Charges of making such to the Person or Persons, whose Goods and Chattels shall be so as aforesaid: And if, after the Removal of the said Annoyances, any Person or Persons shall again offend in the like manner, every such Person or Persons, so offending, and being thereof convicted, upon Oath, before One or more Justice or Justices of the Peace for the said Riding, Division, Town Corporate, Borough, or Place, where such Offence shall be committed, shall, for every such Offence, forfeit and pay unto the said Trustees, or their Treasurer for the Time being, the Sum of to be levied in manner aforesaid.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons shall be appointed by Order of the said Trustees, or any or more of them, to make, or cause to be made, Causeways, and to cut and make Drains, through any Grounds lying contiguous to the said Roads; and erect and keep in Repair Arches of Brick, Timber, or Stone, thereupon; and to divert and turn the said Roads and Highways over any Part of the Moors or Waste-grounds contiguous and adjoining thereto, or through which the said Roads do now pass; and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying out, the same, any Grounds of any Person or Persons lying contiguous thereto not being a House, or other Buildings, Garden, Orchard, planted Walk, or Avenue to any House, or Plantation or Nursery of Trees); and also to cause Ditches or Trenches to be made in such Places, and in such manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any or more of them, shall judge necessary for the better amending and keeping the Roads aforesaid in good Repair; and also to make, or cause to be made, a Road or Way through, over, and along, the Grounds adjoining on any narrow or ruinous Part or Parts of the said Roads or Highways hereby intended to be repaired (not being an House, or other Building, Garden, Orchard, Yard, Park, or planted Walk, or Avenue to an House, or Plantation or Nursery of Trees), to be made use of by Passengers with Horses, Coaches, Carriages, or otherwise, as a Road, whilst the said, adjacent, narrow, or ruinous, Road is repaired, and until the same be made convenient and safe for Passengers and Carriages to travel and pass along; making such reasonable Satisfaction to the Owner or Occupier of such Ground so laid in unto the said Roads, or through which any such Drain shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be made, or through, over, or along, which, such occasional Road shall be made, for the Damages which such Owner or Occupier respectively shall thereby sustain, as shall be assessed and

Surveyors may make Causeways and Drains and widen the Roads.

Surveyors may make a temporary Way.

and adjudged (in case any Difference shall happen between such Owner or Occupier and the said Trustees, touching such Damages) by the Justices of the Peace, at their General Quarter-Sessions of the Peace to be holden for the Riding, Division, Liberty, Town Corporate, or Borough, respectively, within the Jurisdiction whereof such Ground, so laid into the said Roads, or through which any such Drain or Ditch shall be cut or made, or on which any such Arch or Bridge, Causeway, or occasional Road, shall be erected or made, shall lie: And if any Owners or Occupiers of any Watercourse, Ditch or Ditches, adjoining to the said Highways or Roads, shall neglect or refuse to cleanse or scour such Watercourse or Watercourses, and to make such Ditch or Ditches so deep, and in such manner, as such Surveyor or Surveyors shall adjudge proper and convenient, after such Notice shall be given for that Purpose by such Surveyor or Surveyors to be appointed, or such Person or Persons as shall be appointed by him or them, by virtue of this Act, to such Owners or Occupiers; it shall and may be lawful to and for such Surveyor or Surveyors to set any Man or Men to scour and cleanse and make the same; and by Warrant from any or more of the said Trustees, to Owners, Occupier or Occupiers, of such Watercourses, Ditch or Ditches, by rendering the Overplus, if any be, to the Owner or Occupier, after all Charges paid.

If the Way over any Moor be turned, Inhabitants not to repair the old Way.

Provided always, That in case the antient and former Way over any Moor or Waste-ground, or other Place, shall, by virtue or in pursuance of this Act, be turned or diverted, the Inhabitants of the Township, Parish, or Hamlet, wherein the old Road, which shall thereby be left or discontinued, shall lie, shall not be obliged to repair such old Road, unless the said old Road lead to some other Village, Town, or Place, than the new Road doth.

Bodies Politick, &c. empowered to sell Lands, to be taken into the Highways.

And whereas it may happen, that some Persons, or Bodies Politick, Corporate, Collegiate, Feoffees in Trust, or others, are seised or possessed of some Lands, Grounds, Tenements, or Hereditaments, which, according to the Power given by this present Act, may, by the said Trustees, be thought necessary or proper to be taken in, and added, to the said Roads, either for extending, widening, enlarging, turning, altering, or amending, the same, as aforesaid, and they may be willing to treat and agree to sell such Lands, Grounds, Tenements, and Hereditaments, for the Purposes aforesaid; but are incapable of selling, granting, or conveying, the same, by reason of Infancy, or other Disability; **Be it therefore Enacted**, by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on behalf of any Infants, Feme-Coverts, or Cestuique Trust, and for all and every Person and Persons whatsoever, who are, or shall be, seised of, or interested in, any such Lands, Grounds, Tenements, or Hereditaments, to treat, contract, and agree, with the said Trustees, or any or more of them, for Satisfaction to be made them respectively for such their Lands, Grounds, Tenements, and Hereditaments, or any Part thereof, or their Interest therein, for the Purpose aforesaid; and to sell and convey the same, as Occasion shall be required: And that all Contracts, Agreements, Sales, and Conveyances, which shall be made, shall be valid to all Intents and Purposes; any Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any-wise notwithstanding: And that all Feoffees in Trust, Executors, Administrators, Guardians

Guardians, and Trustees, Corporations, or Bodies Politick, Collegiate, Aggregate, or Sole, and all other Persons, are, and shall be, hereby indemnified for what they shall do in pursuance of this Act.

And it is hereby further Enacted, That if any such Owner, Proprietor, Occupier, Body Politick, Corporate, or Collegiate, or other Person or Persons interested in such Lands, Grounds, Tenements, or Hereditaments, upon convenient Notice to them given, or left in Writing at the Dwelling-house, or Place of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, Tenements, and Hereditaments, so to be taken into, and added to, the said Roads, as aforesaid, into which such Way, Path, or Road, shall be turned or altered, as aforesaid, shall, by the Space of _____ after such Notice given or left, as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or, by reason of Absence, shall be prevented from treating; then, and in every or any such case, the said Trustees, or any _____ or more of them, shall cause it to be inquired into, and ascertained, by and upon the Oaths of a Jury of _____ indifferent Persons of some one or all of the Parishes in which the said Roads lie (which Oath the said Trustees, or any _____ or more of them, are hereby empowered to administer), what Damages such Owners, Occupiers, or Proprietors, or other Person or Persons interested or concerned therein, shall or may suffer or sustain for or by reason of the Taking of any such Land, Ground, Tenement, or Hereditaments, into the said Roads; and what Recompence and Satisfaction such Owners, Occupiers, Proprietors, or other Person or Persons suffering thereby, shall respectively have, by reason or on account thereof; and for that Purpose, and in order thereto, the said Trustees, or any _____ or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before them all and every Person and Persons whatsoever, who shall be thought necessary or proper to be examined as Witnesses or Witnesses touching or concerning the Premises; and shall examine all such Witnesses before the said Jury, upon Oath (which Oath the said Trustees, or any _____ or more of them, are hereby impowered and required to administer); and they shall also order and cause the said Jury to view the said Places in question, and to use all other lawful Ways and Means, as well for their own as the said Jury's Information in the Premises, as they the said Trustees, or any _____ or more of them, shall think fit: And after the said Jury shall have so inquired of, ascertained, and settled, such Damages and Recompence, they the said Trustees, or any _____ or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors, of the said Land, Ground, Tenements, and Hereditaments, or other Persons interested therein, according to such the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination, so had and made, shall be final, and binding and conclusive to all Intents and Purposes, against all Parties or Persons whatsoever claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors as well absent as present, Infants, Feme-Coverts, and Persons under any Disabilities whatsoever, Bodies Politick, Corporate, and Collegiate, as well as all other Person or Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any-wise interested in such Lands, Grounds, Tenements, and Hereditaments, shall thereby be, from thenceforth,

Persons neglecting to treat for the Sale of such Lands.

A Jury may be summoned to assess Recompence.

Verdict of the Jury to be final.

forth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property, of, in, to, or out of, the same: And for the summoning and returning such Jury or Juries, the said Trustees, or any or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the said County of York, thereby commanding or requiring him to impanel, summon, and return, an indifferent Jury of Twenty-four Persons to appear before the said Trustees, or any or more of them, at such Time and Place as in such Warrant shall be appointed; who is hereby required thereupon to impanel, summon, and return, such Twenty-four Persons accordingly; and, out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to, or upon, such Summons, the said Trustees, or any or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid: And in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured, to attend that Service, to the Number of Twelve.

Persons concerned may challenge the Jury.

Sheriffs may be fined, and other Defaulters.

Provided always, and be it further Enacted, by the Authority aforesaid, That all Persons concerned shall from time to time have their lawful Challenges against any of the said Jurymen, when they come to be sworn: And that the said Trustees, or any or more of them, acting in the Premises, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury not appearing, or refusing to be sworn on the said Jury; and being so sworn, and refusing and not giving their Verdict concerning the same, or in any other manner wilfully neglecting their Duties therein, contrary to the true Intent and Meaning of this Act; and on any Person or Persons, who, being required to give Evidence before the said Jury, touching the Premises, shall refuse to be examined, or to give Evidence, touching the same; and from time to time to levy such Fine or Fines in such manner as any Fine is, by this present Act, directed to be levied and taken, no such Fine to exceed the Sum of upon any One Person; and all such Fines shall be employed for such Uses, and in such Manner, as the said Tolls or Monies granted by this present Act are to be laid out and applied.

Monies arising by this Act charged with Recompence.

And be it further Enacted, by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be, and are hereby, charged and chargeable upon all Monies which shall be raised, received, or borrowed, by virtue of this Act, and shall be paid thereout, accordingly, to the Persons respectively intitled thereto, or to their respective Agents; and that, upon Payment or Tender thereof to the said Persons so respectively intitled thereto, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Clerk, for the Time being, of the Trustees, for the Use of such Person or Persons as the said Trustees, or any or more of them, shall appoint the same to be paid unto: And, after Months Notice thereof given to such Person or Persons, it shall and may be lawful for the said Trustees, or any or more of them, their Surveyors, Workmen, and Agents, to take into, and add to, the said Roads, such said Ground, Lands, or Tenements, and to do all and every

every such Act, Matter, and Thing, with relation to the said Ground, Lands, Tenements, and Hereditaments, so taken into, and added, or to be taken into, and added to, the said Roads; and to ditch and fence out the same, as the said Trustees, or any one or more of them, shall think fit: And the said Ground or ^{Lands taken in to be deemed a publick Highway.} Grounds, Lands or Tenements, so taken, or to be taken, in, when the same shall be ditched and fenced, as aforesaid, shall, to all Intents and Purposes whatsoever, from thenceforth, become and be, and shall be deemed and taken to be, a publick and common Highway, and be, from thenceforth, Part of the said Roads, and only during the Continuance of this present Act, but for ever after, and shall be repaired, and kept in Repair, by such Ways and Methods, and, in all respects, in such Manner, as other Highways are, by Law, to be repaired, and kept in Repair.

And it is hereby Enacted and Declared, That, immediately after such Purchase, and Conveyance made, the same Lands and Grounds, so to be purchased, shall be for ever deemed, used, and applied, as and for Part of such Highways or Roads accordingly.

Provided always, and be it further Enacted, by the Authority aforesaid, ^{Persons chargeable by reason of Tenure to continue so,} that nothing in this Act contained shall be construed to be a Discharge of any County, Riding, Division, Hundred, Wapentake, Liberty, Borough, Town Corporate, Parish, Township, Village, Hamlet, Place, Body Politick, Corporation Aggregate or Sole, private Person or Persons, from the repairing, amending, or maintaining of any Road, Bridge, Causeway, Arch, Drain, or Sewer, which they, or any of them respectively, have been accustomed, or of Right ought, to repair, amend, or maintain, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or on Account of their receiving any Toll or Duty, or otherwise howsoever; but that all and every such Road, Bridge, Causeway, Arch, Drain, or Sewer, from time to time, and at all times hereafter, be maintained, amended, and kept in Repair, by such County, Riding, Division, Hundred, Wapentake, Liberty, Borough, Town Corporate, Parish, Township, Village, Hamlet, Place, Body Politick, Corporation Aggregate or Sole, or private Person or Persons, heretofore the same respectively have been, or ought of Right, or by Custom, to have been amended, maintained, and kept in Repair; any thing herein before contained to the contrary notwithstanding.

And, for preventing Differences between the said Trustees, and the Inhabitants ^{Justices to determine Repairs by reason of Tenure.} of such County, Riding, Division, Hundred, Wapentake, Liberty, Borough, Town Corporate, Parish, Township, Village, Hamlet, or Place, or such Body Politick, Corporation Sole and Aggregate, or private Person or Persons, touching the Time when, and Manner in which, such particular Part or Parts of the said Roads, or such Bridges, Drains, or Sewers, ought to be repaired and amended; be it further Enacted, by the Authority aforesaid, That in case any such Difference shall arise, as aforesaid, it shall and may be lawful for the Justices of the Peace for the County, Riding, Division, Liberty, Borough, Town Corporate, or Place, and they are hereby required and impowered, at their Petty or Special Sessions, within their respective Jurisdictions, upon Application to them made by the said Trustees, or any one or more of them, for the Time being, to adjudge and determine when, and in what Manner, such particular Part or Parts of the said Roads, Bridges, Drains, and Sewers, as aforesaid, shall be repaired and amended.

amended by such County, Riding, Hundred, Wapentake, Liberty, Borough, Town Corporate, Parish, Township, Village, Hamlet, Place, Body Politick, Corporation Sole or Aggregate, private Person or Persons, chargeable or liable to repair, amend, or maintain the same, as aforesaid.

Persons liable to do Statute-work to continue so.

Provided always, and be it further Enacted, by the Authority aforesaid, That all and every Person and Persons, who, by Law, are chargeable towards the repairing and amending the said Roads intended to be repaired, shall still remain chargeable, and do their respective Works in the Parishes, Townships, Places, in which the said Roads lie, in such manner as he, she, or they, ought to have done before the Passing of this Act.

Surveyors to give Lists of Persons liable.

And be it further Enacted, by the Authority aforesaid, That the respective Surveyor or Surveyors of the Highway of and for the several Parishes or Townships in which any of the Roads intended to be repaired by this present Act respectively lie, shall yearly, and every Year, during the Continuance of the Act, within Days after Demand made to them respectively, in Writing, by the Surveyor or Surveyors appointed, or to be appointed, by virtue, and in pursuance, of this Act, give in, and deliver, to such Turnpike-Surveyor or Surveyors, an exact List or Account, in Writing, under his or their Hand and Hands, of the Christian and Surname of all and every Person and Persons in the said respective Parishes, Townships, or Places; and shall set forth and specify, in such List, what each Person is respectively chargeable withfor and towards the same, and the said Parochial or Town-Surveyor or Surveyors for the Time being respectively, within Days after Notice shall be given them, by the respective Turnpike-Surveyor or Surveyors, of the Time when, and how many of the Persons chargeable, as aforesaid, he would have to do such their respective Statute or Days Work so adjudged or appointed, as aforesaid, in or upon any Part or Parts of the said Roads, shall summon, or give publick Notice thereof to, the Persons so chargeable, as aforesaid: And if any Parochial or Town-Surveyor or Surveyors aforesaid shall neglect or refuse to do as they are hereby required and directed, or they, for every such Neglect or Refusal, shall forfeit and pay the Sum of

Penalty on Surveyors neglecting so to do.

And if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable towards repairing the said Roads shall, after such Summons or publick Notice, neglect or refuse to send their respective Teams, Draughts, or Carts, each Team, or Cart not to contain less than good Horses, or Beasts of Draught, with One Person to attend the same, to do and perform such their respective Days Work on the said Roads, he, she, or they, so neglecting or refusing, shall respectively forfeit and pay the Sum of

Persons neglecting to do Statute-work.

for every Team, Draught, or Cart, making Default each of the said respective Days: And if any Labourer, or other Person or Persons, so chargeable towards repairing the said Roads, shall at any time neglect or refuse (after such Summons, or publick Notice) to do or perform the said appointed Days Work on the said Roads; he, she, or they, shall respectively forfeit and pay the Sum of for each of the said Days such Labourer, or other Person or Persons, shall make Default: And if any Person or Persons, who shall, according to such Summons, or publick Notice, as aforesaid, come to work as Labourers, or be sent with any Team, Draught, or Cart, to work on the said Roads, are found idle or negligent by the said Turnpike-Surveyor or Surveyors respectively where the Work is to be done; in such case the same Surveyor or Surveyors may

and is and are hereby impowered and required to remove and turn him or them off, who shall be found idle and negligent, as aforesaid, and it shall be esteemed and taken as if such Person or Persons had not come, or sent any Team, Draught, or Cart, to work on the said Roads; and he, she, or they, shall be subject and liable to the respective Forfeitures and Payments afore-mentioned, as if he, she, or they, had neglected or refused to do or perform the said respective Days Work so ordered and appointed, as aforesaid.

Provided also, and be it further Enacted, by the Authority aforesaid, That ^{Trustees may compound for Repairs.} shall and may be lawful to and for the said Trustees, or any or more of them, from time to time, during the Continuance of this Act, at any of the public Meetings, to compound and agree with any County, Riding, Division, Hundred, Wapentake, Liberty, Borough, Town Corporate, Parish, Township, Village, Hamlet, Place, Body Politick, Corporation Sole or Aggregate, or private Person or Persons, liable to, or chargeable with, the Repair or Maintenance of any Part of the said Roads, or of any Bridge, Drain, or Sewer, lying within any of the said Roads to be amended by virtue of this Act, by reason of their Tenure of any Lands, Tenements, or Hereditaments, or with the Surveyor or Surveyors of the Highways of the Parishes, Townships, or Places, to which the said Roads belong, or with any of the Possessors or Occupiers of such Lands, Tenements, or Hereditaments, as are or shall be liable to, or chargeable with, the Repair of any Part of the said Roads, by virtue of any Statute, or otherwise, for a Sum of Money certain, to be paid Quarterly, or otherwise, in lieu of such particular Work or Repairs so on them respectively charged by reason of such their Tenure, or by virtue of any Statute, Custom, antient Usage, or otherwise howsoever.

And be it further Enacted, by the Authority aforesaid, That the said Trustees, or any or more of them, at any of their public Meetings, may, and ^{Trustees may compound with Travelers.} they are hereby impowered, from time to time, as they shall see convenient, or think fit, to compound or agree for any time, not exceeding One Year, with any Person or Persons, using or travelling through the Turnpike or Turnpikes to be erected, with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, or with any Horse, Gelding, Mare, Ass, or Mule, for any Sum or Sums of Money to be paid Quarterly, from time to time, after such Agreement shall be made.

Provided always, and it is hereby Enacted, by the Authority aforesaid, ^{Composition-money how to be recovered.} That in case any Composition-money agreed to be paid for passing through the said Turnpikes or Gates, to be erected by virtue of this Act, Toll-free, or in lieu of any Statute or Days Work of the Inhabitants of any Parish, Township, Hamlet, or Place, wherein the said Road doth lie, or in respect of the Repairs to be done, by reason of Tenure of any Lands, Tenements, or Hereditaments, or otherwise, aforesaid, shall not be paid within Days next after the same shall become payable, according to such Composition or Agreement, then it shall and may be lawful for any Justice of the Peace for the Riding, Division, Liberty, Borough, Town Corporate, or Place, within his respective Jurisdiction, by Warrant under his Hand and Seal, to impower the Person or Persons authorized by the said Trustees, or any or more of them, to receive such Composition-money (Oath being first made, that the same hath been demanded, and remains unpaid, which Oath such Justice is hereby impowered to administer), and to levy such

such Composition-money by of the Person or Persons
 so having compounded for passing through any of the Turnpikes Toll-free, or
 for such Repairs to be done, by reason of Tenure, as aforesaid, or in lieu of any
 Statute or Days Work, or otherwise, as aforesaid, or of the Surveyor or Surveyors
 of the Highways, for the Time being, of such Parish, Township, Hamlet, or
 Place, in respect of whose Statute or Days Work such Composition shall be made,
 returning the Overplus (if any be), upon Demand, after the Charges of
 thereout first deducted.

Surveyors of
 Highways how
 to be reimbursed.

Provided always, and it is hereby further Enacted, by the Authority
 aforesaid, That if any Surveyor of the Highways of such Parish, Township,
 Hamlet, or Place, for whose Statute or Days Work such Composition shall be
 made, as aforesaid, shall pay the Composition-money, or if such Composition-
 money shall be levied on him, in manner herein before directed, then, and in
 either of the said Cases, such Surveyor shall be reimbursed the Composition-money
 so paid by, or recovered of, him, as aforesaid, together with the Costs and
 Charges of levying the same, in such manner as, by the Laws now in being,
 Surveyors of the Highways of this Kingdom are to be reimbursed the Monies by
 them expended in buying Materials for amending the said Highways.

Commencement
 and Continuance
 of the Tolls.

And it is further Enacted, by the Authority aforesaid, That the Tolls,
 Duties, and Powers, hereby granted and given, shall take place from and after
 the Day of
 and shall be paid, and have Continuance from thence, for and during the Term
 of Years, and from thence to the End of the then next Session of Parlia-
 ment: But if, at any time before the Expiration of the said Term, the said
 Roads hereby directed to be repaired shall be sufficiently amended, and so ad-
 judged by the Justices of the Peace of the West-Riding of the said County of York,
 at the General Quarter-Sessions for the said Riding; that then, from and imme-
 diately after such Adjudication made, and Repayment of all such Money as shall
 have been borrowed on the Credit of the said Tolls or Duties hereby granted,
 with the Interest for the same, and the Costs and Charges of obtaining this Act,
 the aforesaid respective Tolls, Duties, and Powers, hereby granted, shall cease and
 determine; any thing herein contained to the contrary notwithstanding.

Tolls may be af-
 signed for Money
 borrowed.

And forasmuch as the Money to be collected by the Receipt of the Tolls and
 Duties by this Act granted, and made payable, as aforesaid, will not be suffi-
 cient for the speedy Repairing of the said Roads; Be it further Enacted, by
 the Authority aforesaid, That the said Trustees, or any or more of
 them, shall, may, and are hereby impowered, from time to time, during the Con-
 tinuance of this Act, by Writing under their respective Hands and Seals, to assign
 over the said Tolls or Duties, by virtue of this Act to be collected or levied, or
 any Part thereof (the Costs and Charges of making such Assignment to be
 borne and paid out of such Tolls and Duties), for any Term during the Continu-
 ance of this Act, as a Security for any Sum or Sums of Money to be borrowed
 for that Purpose, to such Person or Persons, or their Trustees, who shall advance
 and lend the same, to secure the Repayment thereof with such Interest, as shall
 be agreed upon, being legal Interest, or less; which said Money, so to be borrow-
 ed, shall be applied, and disposed of, as the said Tolls or Duties by this Act are
 directed to be applied, and disposed of, and to no other Use or Purpose whatso-
 ever.

And be it further Enacted, by the Authority aforesaid, That it shall and ^{Power to lett the Tolls.} may be lawful to and for the Trustees for repairing the said Road, or any more of them, from time to time, by any Writing under their Hands and Seals, demise, lease, and to farm lett, the Tolls and Duties by this Act granted, or any Part of such Tolls or Duties, to any Person or Persons, from Year to Year, for any Term of Years, not exceeding Years, for the best Price such Trustees can get, payable at such Times, and under such Covenants, as they the said Trustees, or any or more of them, shall think fit, and to be paid to the said Trustees, or any or more of them, or to such Person or Persons as they, or any or more of them, shall appoint to receive the same; which Money, so to be paid, shall be applied, and disposed of, as the Tolls and Duties granted by this Act are directed to be applied, and disposed of, and to no other Use or Purpose whatsoever.

Provided always, and it is hereby Declared, That no Money shall be ^{Notice to be given on borrowing Money.} borrowed, by the said Trustees, on the Credit of the Tolls to be collected by virtue of this Act, nor shall any Lease or Assignment of the said Tolls and Duties by this Act granted, or any Part thereof, be made, unless Notice in Writing, under the Hand of the Clerk to the said Trustees, be for that Purpose fixed upon all and every the Turnpike-gate and Gates then erected upon the said Roads, at least Days before the borrowing such Sum, or making such Lease or Assignment respectively.

Provided also, and it is hereby Enacted and Declared, by the Authority aforesaid, That the said Trustees appointed, or to be appointed, by virtue of this Act, or any or more of them, are hereby authorized and empowered, from time to time, to vary or alter, lessen, raise, or advance, the Tolls and Duties by this Act granted, and made payable, and to order and direct the same to be collected, and received, and taken, in such Manner, Parts, and Proportions, as they shall think fit and convenient, any thing herein contained to the contrary in any-wise notwithstanding; so that the said Tolls and Duties, so from time to time varied and altered, lessened, raised, and advanced, shall never exceed the Tolls and Duties granted in and by this Act; and so that such Alteration or Reduction of the said Tolls and Duties be with the Consent of, or be no Prejudice to, such Person or Persons who shall have advanced any Money on the Credit of, or taken or contracted for any Lease or Assignment of the said Tolls, or any Part thereof, or the Person or Persons who shall be intitled to the Money hereby secured, or to any Term or Interest in the said Tolls, at the time of such Alteration or Reduction.

And be it further Enacted, by the Authority aforesaid, That, for the continuing a sufficient Number of fit and able Persons to be Trustees for putting in execution all and every the Powers in this Act contained, it shall and may be lawful to and for the said Trustees appointed, and to be appointed, to act for the Roads herein before-mentioned and described, for the Time being, or any or more of them respectively, upon the Death, Removal, or Refusal to act, of any of the Trustees respectively, by any Writing or Writings, under their Hands and Seals, from time to time, and at all times hereafter, during the Term aforesaid, to elect, nominate, and appoint, in the room of such Trustee ^{Power to appoint new Trustees.} or

or Trustees, so deceased, removed, or refusing to act, so many more fit and able Person or Persons, living in the said County of *Tork*, to be joined with the said Trustees, so electing, in the Execution of the Powers in such Electors respectively reposed, by virtue of this Act; and Notice of the Time and Place of Meeting for the Election of such new Trustee or Trustees, shall be given by the Clerk of the said Trustees, who is hereby required to fix, or cause to be fixed, such Notice in Writing, at or on all the Turnpike-gates, which are or shall be erected by virtue of this Act, at least Days before such Election, and all every Person and Persons so to be chosen Trustee or Trustees, to join in putting this Act in Execution, shall and may, and are hereby impowered to act, to all Intents and Purposes, in as full, large, and ample manner, as the said Trustees so electing, are by this Act impowered to do, and so from time to time, as often as Occasion shall be or require.

Trustees not to accept of any Place.

Provided always, and be it further Enacted, That no Person or Persons appointed or to be appointed by this Act, a Trustee or Trustees for putting this Act in Execution, shall have, or accept of, any Place of Profit arising out of, or by reason of, the Tolls or Duties by this Act granted; but such Person or Persons shall be incapable of acting as a Trustee or Trustees, from the time of his accepting, and during the Enjoyment, of such Place of Profit, as aforesaid.

Qualification of Trustees.

Provided also, and be it further Enacted, That no Person shall be capable of acting as a Trustee, in any Case, in the Execution of this Act, unless he shall be, in his own Right, or in the Right of his Wife, in the actual Possession or Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of above Reprizes; or shall have a personal Estate, of the Value of or shall be Heir apparent to some Person or Persons having an Estate of the yearly Value of And if any Person or Persons, so made incapable to act for the Causes aforesaid, shall nevertheless presume to act, contrary to the Intent and Meaning of this Act, every such Person or Persons, for such Offence or Offences, shall forfeit and pay the Sum of to any Person or Persons that will inform or for the same, to be recovered in any of his Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, or more than One Impar lance, shall be allowed.

Roads to be measured, and Mile-stones erected.

Provided always, and it is hereby further Enacted, That the said Trustees, or any or more of them, respectively, shall cause the said Roads to be measured, and Stones or Posts to be erected and set up in or near the Side of such Roads; each Stone or Post to be placed at the Distance of One Mile from another, and denoting the Distance of every such Stone or Post from any other Place, as to the said Trustees respectively, or any or more of them shall seem meet: And if any Person or Persons shall voluntarily or maliciously break any of the Stones or Posts, or any Part thereof, which shall be so erected and set up, or shall obliterate or deface any of the Words, Letters, Figures, or Marks which shall be engraven, cut, or inscribed thereon, and shall be convicted thereof by the Confession of the Party, or on the Oath of One or more credible Witnesses or Witnesses, before One or more Justice or Justices of the Peace of the said West Riding

Riding of the County of York; every such Person or Persons, so offending, shall
forfeit and pay the Sum of

to be levied by
of every such Offender, by Warrant under the
Hand, or Hands and Seals, of the Justice or Justices, before whom such Convic-
tion shall be made; such Forfeiture to be applied in repairing the Stones or Posts
so broken and defaced, or in supplying new Ones in their stead; and if there shall
be any Overplus of such Forfeitures, the same shall be laid out in repairing the said
Roads: And in case the Person or Persons so offending; and convicted, shall have
no Goods and Chattels, then it shall and may be lawful to and for any
or more of such Justice or Justices, by Warrant under his Hand and Seal, or their
Hands and Seals,

for the Space of and the
Person or Persons so offending, and convicted, shall not be discharged, until he, she,
or they, shall have paid the Sum of or until the Expiration
of the said

Provided always, and be it further Enacted, by the Authority aforesaid, ^{Writings with-}
That no Nomination, Information, Order, Judgment, Conviction, Warrant, or ^{out Stamps.}
any other Writing whatsoever (except such Assignment of the Tolls, by way of
Mortgage, as aforesaid), under the Hand and Seal, or Hands and Seals, of, or
only signed by, any Trustee or Trustees for putting this Act in Execution, or
any Justice or Justices of the Peace, or exhibited before them, or any of them,
touching, concerning, or in Execution of, any Power or Authority hereby vested
in such Trustees, or Justices of the Peace, or any of them, shall be charged or
chargeable with any Stamp-Duty whatsoever.

And be it further Enacted, by the Authority aforesaid, That all Penalties ^{Recovery of the}
and Forfeitures by this Act imposed, or to be incurred by virtue thereof (touch- ^{Penalties.}
ing which no other Provision is herein before made), shall be recovered and levied

by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One
or more Justice or Justices of the Peace for the Riding, Division, Liberty, Bo-
rough, Town Corporate, or Place, wherein the said Penalties and Forfeitures
shall be incurred, or wherein the Offender or Offenders shall reside (which
Warrant or Warrants the said Justice or Justices is and are hereby empowered
and required to grant, upon the Information of One or more credible Witness
or Witnesses, upon Oath; which Oath the said Justice or Justices is and are
hereby empowered and required to administer, without Fee or Reward): And the
Penalties and Forfeitures, when recovered, after rendering the Overplus (if any
be) to the Party or Parties whose

(the Charges of such being first deducted) shall go and
be applied, and laid out, to and for the Purposes, and in like manner, as the
Tolls and Duties by this Act granted are to be laid out and applied.

Provided always, and be it further Enacted, by the Authority aforesaid, ^{No Proceedings}
That no Order made touching or concerning any of the Matters aforesaid, or any ^{to be quashed for}
other Proceedings to be had, touching the Conviction or Convictions of any ^{want of Form}
Offender or Offenders against this present Act, shall be quashed or vacated for ^{only; or re-}
want of Form only; or be removed or removeable by Certiorari, or any other ^{moved.}
F Writ

Writ or Process whatsoever, into his Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in any-wise notwithstanding.

Trustees in the Commission of the Peace may act as Justices in the Execution of this Act.

And it is hereby further Enacted and Declared, by the Authority aforesaid, That it shall and may be lawful to and for any of the Trustees, appointed or to be appointed to put this Act in Execution, who is, are, or shall be, in the Commission of the Peace for the West-Riding of the County of *York*, to act as Justice or Justices of the Peace, within their respective Jurisdictions, in all Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained.

Powers in the 24th of his present Majesty for Preservation of Turnpike Roads vested in Trustees.

And whereas by an Act passed in the Twenty-fourth Year of the Reign of his present Majesty, intituled, *An Act for the more effectual Preservation of Turnpike-Roads in that Part of Great Britain called England; and for the Disposition of Penalties given by Acts of Parliament relating to the Highways in that Part of Great Britain called England; and for enforcing the Recovery thereof; and for the more effectual Preventing of Mischiefs occasioned by the Drivers riding upon Carriages, Drays, Cars, and Waggon, in the City of London, and within Ten Miles thereof*, certain Powers, Authorities, and Remedies, for demanding, collecting, receiving, and levying, the additional Tolls and Duties, Penalties and Forfeitures, thereby inflicted, and made payable, are vested in the Trustees or Commissioners appointed or thereafter to be appointed, by any Acts of Parliament in that Part of Great Britain called *England*, in their respective Districts; Now, to prevent any Doubt that may arise, touching the Construction of the said Act, It is hereby further Enacted and Declared, by the Authority aforesaid, That the said Act and all and every the Clauses therein contained, shall be deemed, adjudged, and taken to extend to the Highways and Roads in and by this Act directed to be repaired, in the same manner as if the same had been Turnpike-Roads before the Passing of the said Act; and that all and every the Carriers and Waggoners, travelling or using the said Roads hereby directed to be repaired, or any of them shall incur and be liable to the like Penalties, Forfeitures, additional Tolls, and Duties, as, by the said Act of the Twenty-fourth Year of his present Majesty are inflicted, imposed, or made payable; and that the same Tolls, Duties, Forfeitures, and Penalties, and all Powers, Authorities, and Remedies, for the receiving, recovering, or levying the same, shall be, and are hereby, vested in the several Trustees and Commissioners appointed, and to be appointed, by virtue of this Act, in as full and ample a manner as if the said Roads or Highways hereby directed to be repaired had been Turnpike-Roads before the Passing of the said Act; any thing herein to the contrary contained in any-wise notwithstanding.

Limitation of Actions.

And be it further Enacted, by the Authority aforesaid, That if any Action or Suit shall be brought or prosecuted against any Person or Persons, for any thing done in pursuance of this Act, every such Action or Suit shall be commenced within next after the Fact committed, and not afterwards; and shall be laid in the County of *York*, and not elsewhere: And the Defendant or Defendants in such Action or Suit to be brought, shall and may plead the General Issue; and give this Act, and the Special Matter, in Evidence, at any Tryal to be had thereupon; and that the same was done in Pursuance of, and by the Authority of, this Act: And if the same shall appear to have been so done, or such Action

Action or Suit to be brought after the Time limited for bringing the same, or in any other County or Place, then, and in such case, the Jury shall find for the Defendant or Defendants: And upon such Verdict; or if the Plaintiff or Plaintiffs be Nonsuited, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall have Costs, upon Affidavit made, or Certificate of the Judge before whom such Cause shall be tried, that such Suit was prosecuted against such Defendant or Defendants, for Matters contained in this Act; and shall have such Remedy for the same, as any Defendant or Defendants have or hath for Costs of Suit in any other Case by Law.

And be it further Enacted, by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken, to be a Publick Act; and shall be judicially taken notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

*A BILL for Repairing, and
Widening, the Road from the
Town of Tadcaster, through
Collingham, Harewood, Ar-
thington, and Pool, to the
Town of Otley, in the
West-Riding of the County of
York.*

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A BILL for repairs and